Larry Vilardo on the bench. I congratulate Larry Vilardo on this milestone of his career.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lawrence Joseph Vilardo, of New York, to be United States District Judge for the Western District of New York.

The PRESIDING OFFICER. Under the previous order, there will be up to 30 minutes of debate.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CYBERSECURITY INFORMATION SHARING BILL

Mr. WYDEN. Mr. President, tomorrow we will be turning to the cyber security bill, which the Presiding Officer is familiar with as a member of the committee, and I wish to speak about my amendment No. 2621 to that legislation. I also intend to address the amendments of our colleagues Senator FRANKEN, Senator HELLER, and Senator COONS because I believe all four of these amendments seek to achieve the same goal, and that goal—the goal of all four of these amendments—is to reduce the unnecessary sharing of Americans' private and personal information.

The Senate has had a robust debate on the cyber security bill over the past week, and I think it is fair to say that Senators agree on a fair number of points. For example, the sponsors of the legislation have now acknowledged that the cyber security bill we will shortly vote on would not have prevented sophisticated cyber attacks, such as the Target and Home Depot hacks, and it would not have prevented the theft of millions of personnel records at the Office of Personnel Management.

As for my part, I agree that sharing information about cyber security threats is generally a constructive idea. If private companies identify samples of malicious code or information that identifies foreign hackers, I would absolutely encourage them to share that information. However, I think companies should also take reasonable steps—and I underline ''reasonable steps''—to remove unrelated personal information about their customers before sharing that data with the government. It is important to understand that this legislation simply does not require companies to do that, and Senators can see that for themselves. As Senators can see for themselves, on page 17 of the bill, companies are allowed to conduct only a cursory review of the information they provide and would only be required to remove data that they know is personal information unrelated to cyber security.

When it comes to customers' personal information, the message behind this bill is, when in doubt, hand it over. Once that data is shared—and this is not widely known—the Department of Homeland Security would be required to send it on to a broad range of government agencies, from the NSA to the FBI.

The amendment I have offered to the legislation we will vote on tomorrow would give companies a real responsibility for safeguarding their customers' information. It would say that in order for a company to receive liability protection before a company shares data with the government, it has to make efforts to the extent feasible to remove any personal information that is not necessary to identify or describe a cyber security threat. In my view, that would give this legislation a straightforward standard that could give consumers real confidence that their privacy is actually being protected.

Let me give an example of how this might work in practice. Imagine that a health insurance company finds out that millions of its customers' records have been stolen. If that company has any evidence about who the hackers were or how they stole this information, of course it makes sense to share that information with the government. But the company shouldn't simply say ''Well, here you go'' and hand millions of its customers' financial and medical records over for distribution to a broad array of government agencies, such as the FBI and the NSA.

The records of the victims of a hack should not be treated the same way information about the hacker is treated. Companies should be required to make reasonable efforts to remove personal information that is not needed for cyber security before they hand that information over to the government. That, in short, is what my amendment seeks to achieve.

The sponsors of the legislation have argued that my amendment would somehow hold companies to an almost impossible standard. I say respectfully that the language of this amendment is quite measured. Companies are required to remove unrelated personal information and the legislation specifically states ''to the extent feasible.'' The language certainly doesn't require perfection; it creates a reasonable and flexible approach for companies to make a real effort to remove unrelated personal information about their customers instead of simply performing the sort of cursory review that would be permitted under the current language of the bill.

A quick reading through the list of the pending amendments to the bill will make it clear that I am not the only Member of this body who is concerned about the unnecessary sharing of personal information.

Our colleague from Nevada, Senator HELLER, has a similar amendment that would seek to create a stronger requirement for companies to remove personal information.

Our colleague from Delaware, Senator COONS, has crafted a very constructive amendment that would strengthen the requirement for review by the Department of Homeland Security. His amendment would create a stronger obligation for the Homeland Security Department to filter out unnecessary personal information before passing cyber security data on to other parts of our government.

Senator FRANKEN has drafted a strong amendment that would clarify the bill's definition of ''cyber security threat information'' to ensure that it focuses on information about real threats.

It is important to remember that reducing unnecessary sharing of personal information will make any information sharing program more effective and easier to focus on the genuine threats involved.

Finally, our colleague from Arizona, Senator FLAKE, has drafted an amendment that would require the Congress to come back and review this information sharing approach after 6 years to evaluate how it has worked in practice and whether privacy protections ought to be strengthened.

I have cited amendments by Democrats and Republicans. The Presiding Officer knows that I feel strongly about working in a bipartisan way whenever I possibly can, and that is why I thought it was important to mention, as we go through these amendments, that all of these amendments I have described have sought to ensure this body would make it clear that cyber security is a very real problem. Cyber security, in terms of tackling it, which involves information sharing, can be very constructive, and we ought to try to find ways to do it. Each of these amendments is designed to make sure that when Americans hear about cyber security legislation—my colleague and I have discussed it—we don't have millions of Americans walking away and saying: They are sharing all of this unnecessary personal and unrelated information; I

guess it is another one of those surveillance kind of bills.

We don't want that here. We want bills that are bipartisan, that deal with very real threats—and certainly cyber security is one of them—but we also want to make sure the rights of innocent people are protected. With these amendments, we do that by ensuring that we have more than a cursory approach to filtering out unrelated and personal information.

So it is my judgment that each of these amendments would be significant improvements to the bill, and I hope my colleagues will support all of them, as well as an amendment by our colleague from Vermont Senator LEAHY that would remove an unnecessary modification of the Freedom of Information Act.

Let me close by saying it is not just Senators—and I have listed both Democrats and Republicans tonight—it is not just Democrats and Republicans in this body who have raised concerns about this bill's inadequate privacy protection; privacy advocacy groups from the American Library Association to the Oregon Technology Institute have come out against the bill. America's leading technology companies—companies that have to have expertise in both cyber security and protecting the data of their customers—have opposed it as well. Companies such as Apple, Dropbox, Twitter, Salesforce, Reddit, and Yelp have all said that they oppose the legislation because it does not include adequate privacy protections. The trade association that represents Google and Amazon, Facebook, Microsoft, Yahoo!, Netflix, eBay, and PayPal said: ''CISA's prescribed mechanism for sharing of cyber threat information does not sufficiently protect users' privacy.''

Now, reflect if we might for a minute on what that means. These are America's leading technology companies. They advantage America because they are the envy of the world for their innovation and their way of serving customers and businesses not just in this country but around the world. These companies have millions and millions of customers and have spoken out publicly against the bill, in its current form, before these amendments are considered. They sure know a lot about the importance of protecting both cyber security and individual privacy. The reason I say that is they have to manage that challenge each and every day.

Customer confidence is the lifeblood of these companies, and the only way to ensure customer confidence is to convince customers that if they use a product, their information is going to be protected from both malicious hackers and from unnecessary collection by our government.

Last Thursday, a coalition of America's leading consumer groups basically joined those major technology companies in announcing their opposition to the bill. They endorsed the pending consumer privacy amendments, including the amendment I will offer, No. 2621.

In conclusion, I hope colleagues will listen to what these technology groups and companies have said, and I hope our colleagues will support the amendments that I and others, both Democrats and Republicans, will be offering tomorrow. Let's work together to produce a bill that does a better job of dealing with both real cyber threats and the liberties of the American people.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today, we will vote on the nomination of Lawrence Vilardo to be a Federal district judge in the Western District of New York in Buffalo. He was first nominated in February, and his nomination was voted out of the Judiciary Committee by unanimous voice vote over 5 months ago on May 6. There is no reason why this highly qualified nominee should have waited so long for a vote. Despite having one of the busiest caseloads in the country, with more criminal cases than Washington, DC, Boston, or Cleveland, there is not a single active Federal judge in that district. The court has been staying afloat only through the voluntary efforts of two judges on senior status who are hearing cases in their retirement. It is about time that we confirmed Mr. Vilardo to this vacancy.

Next week marks the 11th month that Republicans have been in the majority in the Senate. During that time, only nine judicial nominees have been confirmed. When Senate Democrats were in the majority during the last 2 years of the Bush Presidency, we had already confirmed 34 judges by this same time. The glacial pace at which Republicans are currently confirming judicial nominees is an inexcusable failure to carry out the Senate's constitutional duty of providing advice and consent. It also has real and dire consequences for hard-working Americans who seek justice but instead encounter lengthy delays in the Federal court system due to empty courthouses and overburdened courts. We can and should take action right now to alleviate this problem by holding confirmation votes on the rest of the 13 judicial nominees pending on the floor. A number of these pending nominees have the support of their Republican home State Senators; yet they continue to languish on the calendar without a vote.

If Republican obstruction continues and if home State Senators cannot persuade the majority leader to schedule a vote for their nominees soon, then it is unlikely that even highly qualified nominees with Republican support will be confirmed by the end of the year. These are nominees that members of the majority leader's own party want confirmed, including those from Tennessee and Pennsylvania. And last week, we had a hearing for two Iowa nominees, who I expect to be reported out of the Judiciary Committee soon as well. None of these nominees are likely to be confirmed by the end of the year if Senate Republicans continue at this historically slow pace.

No Senator has raised any objections to the judicial nominees pending on the floor. Every single one was reported out of the Judiciary Committee by unanimous voice vote. Each has the backing of their home State Senators, including Republican Senators. These nominees are outstanding, accomplished legal professionals who are ready to serve in our justice system. They have devoted time away from work and their families to go through the rigorous nominations process. More than half of the pending Federal district and circuit court nominees would fill vacancies deemed to be ''judicial emergencies'' by the nonpartisan Administrative Office of the U.S. Courts. Instead of working to ensure that all Americans have access to our Federal courts, Senate Republicans continue to obstruct President Obama's judicial nominees in a misguided effort to score political points against the President.

The number of empty judgeships has increased by more than 50 percent since Republicans took over the majority. Their obstruction is reversing the hard-earned progress Senate Democrats made last Congress to drastically reduce the number of judicial vacancies. Making matters worse, the number of ''judicial emergency'' vacancies since Senate Republicans took the majority has risen by 158 percent. These vacancies impact communities across America, and it is doing the most harm to States with at least one Republican Senator. Of the 66 current vacancies that exist, 49 of them—or more than 70 percent—are in States with at least one Republican Senator.

One of those vacancies is an emergency vacancy on the U.S. Court of Appeals for the Third Circuit in Pennsylvania. Judge Luis Felipe Restrepo is nominated to fill the vacancy, and he has strong bipartisan support from his home State Senators, Senator TOOMEY and Senator CASEY. At Judge Restrepo's hearing, Senator TOOMEY stated that ''there is no question [Judge Restrepo] is a very well qualified candidate to serve on the Third Circuit'' and underscored the fact that he recommended that the President nominate Judge Restrepo. Once confirmed, Judge Restrepo will be the first Hispanic judge from Pennsylvania to ever serve on this court and only the second Hispanic judge to serve on the Third Circuit.

There is absolutely no reason to delay a vote on Judge Restrepo's confirmation; yet his nomination has been

pending on the floor for over 3 months. Since he was first nominated, Judge Restrepo's nomination has been pending for a staggering 348 days. The national president for the Hispanic National Bar Association, which strongly supports Judge Restrepo's nomination, wrote last week in the Huffington Post about the inexcusable delay in his confirmation. I ask unanimous consent that a copy of this article be printed in the RECORD at the conclusion of my remarks.

Contrast Senate Republican's treatment of Judge Restrepo with President Bush's nominee to the third circuit, Judge Thomas Hardiman, who was nominated in the last 2 years of the Bush Presidency. Judge Hardiman was confirmed in nearly half the time Judge Restrepo has been waiting, taking only 183 days from nomination to his confirmation. Furthermore, it took only 7 days for Judge Hardiman to receive a confirmation vote once he was reported out of the Senate Judiciary Committee. Judge Restrepo has been pending on the floor for 109 days—15 times longer than Judge Hardiman. I hope the Republican Senator from Pennsylvania will implore his leadership to bring this highly qualified nominee up for a vote without further delay. Let us then turn to votes on the rest of the 12 pending judicial nominees without further delay.

Shortly we will begin voting on Lawrence Vilardo to fill a judicial vacancy in the Federal District Court for the Western District of New York. Since 1986, he has practiced as a named partner at the law firm of Connors & Vilardo, L.L.P., in Buffalo, NY. He previously practiced at Damon & Morey, in Buffalo, NY, from 1981 to 1986. The ABA standing committee on the Federal Judiciary unanimously rated Mr. Vilardo ''well qualified'' to serve on the U.S. District Court for the Western District of New York, its highest rating. He has the support of his two home State Senators, Senator SCHUMER and Senator GILLIBRAND. He was voted out of the Judiciary Committee by unanimous voice vote on May 6, 2015. I will vote to support his nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huffington Post, Oct. 21, 2015]

THE CURRENT SENATE GRIDLOCK IS HURTING THE DIVERSITY OF OUR JUSTICE SYSTEM

(By Robert T. Maldonado)

Born in Medellin, Colombia and raised in the United States, Judge L. Felipe Restrepo's life reads like a textbook case of the American Dream. With a bachelor's from the University of Pennsylvania and a law degree from Tulane, he set off on a successful career in criminal defense and civil rights litigation, eventually serving as a magistrate judge for 7 years.

But Judge Restrepo's story of immigrant success seems to be on hold for the moment. That's because he's been waiting since November 2014, when President Barack Obama appointed him to serve on the Third Circuit Court of Appeals, to be confirmed as an appeals court judge.

After a thorough due diligence process, the Hispanic National Bar Association (HNBA) endorsed Judge Restrepo in March 2015, but we didn't stop there. When we saw the lack of progress on his nomination, the HNBA successfully pushed for the Senate Judiciary Committee to hold his nomination hearing, and continues to push for a confirmation vote on the floor of the Senate.

Unfortunately, Judge Restrepo's predicament isn't unique. Two other HNBA-endorsed judicial candidates are stuck in the political gridlock, and a total of 30 judicial nominees (two-thirds of them women or minorities) await Senate confirmation with little idea of when that will happen. According to the judicial watchdog group Alliance for Justice, the Senate has confirmed only 8 judges in 2015, the slowest pace in over 60 years. Almost half of the vacancies on the federal bench have been declared ''judicial emergencies,'' where the remaining judges are overworked trying to make a dent into the backlog of cases, sometimes in excess of 600 filings per judge.

The backlogs are having a real effect on the people and businesses seeking recourse through the court system. As one California district court judge put it:

''Over the years I've received several letters from people indicating, 'Even if I win this case now, my business has failed because of the delay. How is this justice?' And the simple answer, which I cannot give them, is this: It is not justice. We know it.''

Our state of justice is suffering and so is our economy. The states where the backlogs and vacancies are the worst (including Texas, New York, and Florida) happen to be where large Latino communities reside. Given that President Obama has nominated more female and minority candidates to the federal bench than any other President, the delay in judicial confirmations is also a delay in increased diversity, and thus the quality of justice, in our nation's court system.

This manufactured crisis is the doing of Senate leaders who prefer to score political points rather than fulfill their constitutional obligations. Those same political leaders need to know that by dragging their feet on these nominations they are not only hurting the nominees but also the integrity and diversity of our federal court system. Nominees like Judge Restrepo have entire communities backing them in their professional journeys, and come election time, they won't hesitate to register their disapproval.

For their sake and the sake of our justice system, let's end this judicial vacancy crisis.

Mr. MCCAIN. Mr. President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Vilardo nomination?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Tennessee (Mr. CORKER), the Senator from Arkansas (Mr. COTTON), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mrs. ERNST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 284 Ex.]

YEAS—88

Alexander	Franken	Murray
Ayotte	Gardner	Nelson
Baldwin	Gillibrand	Perdue
Barrasso	Grassley	Peters
Bennet	Hatch	Portman
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boozman	Heller	Risch
Boxer	Hirono	Roberts
Brown	Hoeven	Rounds
Burr	Inhofe	Sasse
Cantwell	Isakson	Schatz
Capito	Johnson	Schumer
Cardin	Kaine	Scott
Carper	King	Sessions
Casey	Kirk	Shaheen
Cassidy	Klobuchar	Shelby
Coats	Lankford	Stabenow
Cochran	Leahy	Sullivan
Collins	Lee	Tester
Coons	Manchin	Thune
Cornyn	McCain	Tillis
Daines	McCaskill	Udall
Donnelly	McConnell	Warner
Durbin	Menendez	Warren
Enzi	Merkley	Whitehouse
Ernst	Mikulski	Wicker
Feinstein	Moran	Wyden
Fischer	Murkowski	
Flake	Murphy	

NOT VOTING—12

Blunt	Cruz	Rubio
Corker	Graham	Sanders
Cotton	Markey	Toomey
Crapo	Paul	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

TRIBUTE TO LYNNE MOORE HEALY

• Mr. BLUMENTHAL. Madam President, I would like to pay tribute to one of my constituents, who has recently retired from her position as a board of trustees distinguished professor at the University of Connecticut School of Social Work. Dr. Healy has served as a professor for over 30 exemplary years, preparing new generations of social workers for service in an increasingly diverse and global world.

Professor Lynne Healy has been an outstanding pioneer in the field of